

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON HOUSE BILL 387

Call to Order: Chair Fred Thomas, on April 21, 2017 at 10:30 A.M., in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Fred Thomas, Chair (R)
Rep. Kirk Wagoner, Chair (R)
Sen. Mary Caferro (D)
Rep. Jim Keane (D)
Sen. Albert Olszewski (R)

Members Excused:

Rep. Rob Cook (R)

Members Absent: None

Staff Present: Sue O'Connell, Legislative Division
Prudence Gildroy, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action:

HB 387 Be Concurred in As Amended

Adopted the Free Conference Committee Report

EXECUTIVE ACTION ON HB 387

00:00:01 Chair Thomas
00:00:98 Rep. Wagner
00:00:22 Chair Thomas

00:00:34 **Motion:** Rep. Wagoner moved that **HB 387 BE AMENDED.**
[EXHIBIT\(frs82hb0387a01\)](#)
[EXHIBIT\(frs82hb0387a02\)](#)

Discussion:

00:02:32 Chair Thomas
00:02:35 Rep. Wagoner
00:02:39 Rep. Keane
00:02:46 Rep. Wagoner
00:03:49 Sue O'Connell, Legislative Services Division (LSD)
00:03:56 Rep. Wagoner
00:05:38 Ms. O'Connell, LSD
00:06:13 Rep. Wagoner
00:06:38 Chair Thomas
00:07:08 Sen. Olszewski
00:07:43 Sen. Caferro
00:08:36 Sen. Olszewski
00:08:50 Rep. Wagoner

00:09:05 **Motion/Vote:** Sen. Olszewski moved **TO STRIKE SECTION 15 OF THE AMENDMENT.** Motion carried unanimously by voice vote in the Senate. Motion carried 2-0 by voice vote in the House. Rep. Cook was excused.

00:09:43 **Motion:** Sen. Caferro moved **TO SEGREGATE SECTIONS 9, 10, 12 AND 13.**

Discussion:

00:09:45 Sen. Caferro
00:12:03 Rep. Wagoner
00:12:30 Chair Thomas
00:12:45 Ms. O'Connell
00:14:13 Rep. Wagoner
00:15:25 Sen. Caferro
00:19:32 Rep. Wagoner
00:20:15 Sen. Caferro
00:20:38 Chair Thomas
00:20:51 Sen. Caferro
00:21:13 Chair Thomas
00:21:24 Ms. O'Connell
00:23:57 Sen. Caferro
00:24:05 Rep. Keane
00:24:48 Sen. Caferro

00:25:24 Rep. Keane
 00:26:58 Chair Thomas
 00:27:33 Ms. O'Connell
 00:28:25 Chair Thomas
 00:28:31 Ms. O'Connell
 00:28:48 Chair Thomas
 00:28:53 Rep. Wagoner
 00:31:57 Chair Thomas
 00:32:56 Rep. Wagoner
 00:33:25 Chair Thomas
 00:33:38 Rep. Keane
 00:33:43 Rep. Wagoner
 00:33:52 Rep. Keane
 00:34:02 Chair Thomas
 00:34:11 Rep. Keane
 00:34:27 Chair Thomas
 00:34:31 Ms. O'Connell
 00:35:00 Chair Thomas
 00:35:04 Ms. O'Connell
 00:35:34 Chair Thomas
 00:35:58 Rep. Wagoner
 00:37:23 Chair Thomas
 00:38:44 Rep. Wagoner
 00:38:48 Sen. Caferro
 00:38:54 Ms. O'Connell
 00:39:53 Sen. Caferro withdrew her motion.

00:40:04 **Motion/Vote:** Rep. Wagoner moved a **CONCEPTUAL AMENDMENT TO CAP RESIDENTS AT 12**. Motion carried unanimously by voice vote in the Senate. Motion carried 2-0 by voice vote in the House. Rep. Cook was excused.

Discussion:

00:40:09 Chair Thomas
 00:40:52 Ms. O'Connell
 00:42:54 Chair Thomas
 00:42:58 Ms. O'Connell
 00:43:52 Chair Thomas
 00:44:01 Sen. Caferro
 00:44:44 Chair Thomas
 00:44:59 Sen. Caferro
 00:45:16 Rep. Wagoner
 00:45:40 Beth Brenneman, Disability Rights Montana (DRM)
 00:46:17 Rep. Wagoner
 00:46:26 Ms. Brenneman, DRM

00:46:57 **Motion:** Sen. Caferro moved **TO AMEND SECTION 9** so that each subsequent commitment period may not exceed 90 days.

Discussion:

00:47:26 Ms. O'Connell
00:47:43 Sen. Keane
00:48:12 Sen. Caferro
00:48:51 Rep. Wagoner
00:49:13 Sen. Caferro withdrew her motion.
00:49:38 Ms. O'Connell
00:50:11 Chair Thomas
00:50:36 Sen. Caferro
00:50:45 Chair Thomas
00:50:51 Ms. O'Connell
00:51:14 Chair Thomas
00:51:19 Rep. Wagoner
00:51:48 Chair Thomas
00:51:53 Ms. O'Connell
00:52:05 Chair Thomas
00:52:10 Ms. O'Connell
00:52:27 Rep. Wagoner
00:53:53 Sen. Caferro
00:54:13 Rep. Wagoner
00:54:28 Ms. O'Connell
00:55:08 Sen. Caferro
00:55:19 Chair Thomas

00:55:28 **Motion:** Sen. Caferro moved **TO STRIKE SECTION 16.**

Discussion:

00:55:42 Rep. Wagoner
00:56:26 Chair Thomas

00:57:05 **Vote:** Motion carried by voice vote in the Senate with Sen. Olszewski voting no.
Motion failed 0-3 by voice vote in the House. Rep. Cook voted by proxy.

Discussion:

00:57:57 Ms. O'Connell
00:58:17 Rep. Wagoner
00:58:35 Chair Thomas
00:58:50 Ms. O'Connell
00:59:16 Chair Thomas
01:00:03 Ms. O'Connell
01:00:14 Chair Thomas
01:00:31 Sen. Caferro
01:01:00 Ms. O'Connell
01:02:06 Sen. Olszewski
01:02:13 Chair Thomas
01:02:33 Ms. O'Connell
01:02:59 Chair Thomas

01:03:16 **Motion:** Sen. Caferro moved **A CONCEPTUAL AMENDMENT** to language in amendment 9 and amendment 13 that the initial period of commitment may not exceed 90 days, and if re-commitment is sought, then each subsequent commitment period may not exceed 90 days.

Discussion:

01:04:23 Chair Thomas
 01:04:29 Ms. O'Connell
 01:05:01 Sen. Caferro
 01:05:24 Ms. O'Connell
 01:05:48 Sen. Caferro
 01:05:54 Ms. O'Connell
 01:06:09 Chair Thomas
 01:06:34 Rep. Wagoner
 01:07:58 Chair Thomas

01:08:34 **Vote:** Motion carried unanimously by voice vote in the Senate. Motion failed 0-3 by voice vote in the House. Rep. Cook voted by proxy.

Discussion:

01:08:56 Chair Thomas
 01:09:03 Ms. O'Connell

01:09:18 **Motion:** Sen. Caferro moved **TO SEGREGATE SECTIONS 9 AND 13, 14 and 15.**

Discussion:

01:09:27 Sen. Caferro
 01:10:12 Ms. O'Connell
 01:10:36 Chair Thomas
 01:10:59 Ms. O'Connell

01:11:13 **Vote:** Motion carried unanimously by voice vote in both the Senate and the House. Rep. Cook voted by proxy.

Discussion:

01:11:45 Ms. O'Connell
 01:12:29 Chair Thomas
 01:11:54 Ms. O'Connell
 01:12:34 Chair Thomas

01:12:40 **Motion:** Chair Thomas moved **TO RECONSIDER ACTION ON SECTION 22.**

Discussion:

01:12:55 Rep. Wagoner
 01:13:13 Sen. Olszewski

01:14:11 Recess

Rep. Keane left the meeting.

01:38:35 Reconvene

01:39:03 Chair Thomas

01:39:24 **Motion:** Sen. Caferro moved **TO ADOPT SECTION 9** amending it to read that the initial period of commitment to the center may not exceed 90 days, and if re-commitment is sought, then each subsequent commitment period may not exceed 90 days.

Discussion:

01:39:46 Chair Thomas

01:39:52 Ms. O'Connell

01:39:57 **Vote:** Motion carried unanimously by voice vote in both the Senate and the House. Rep. Cook and Rep. Keane voted by proxy.

Discussion:

01:40:26 Rep. Wagoner

01:40:28 Chair Thomas

01:40:34 Rep. Wagoner

01:40:36 Sen. Caferro

01:40:45 Chair Thomas

01:40:48 **Motion/Vote:** Sen. Caferro moved **TO ADOPT SECTION 13**. Motion carried unanimously by voice vote in both the Senate and the House. Rep. Cook and Rep. Keane voted by proxy.

01:41:15 **Motion/Vote:** Rep. Wagoner moved **TO ADOPT AMENDMENTS 1 THROUGH 26**. Motion carried unanimously by voice vote in both the Senate and the House. Rep. Cook and Rep. Keane voted by proxy.

Discussion:

01:42:48 Chair Thomas

01:43:25 Ms. O'Connell

01:43:35 Chair Thomas

Note: In lieu of motion, the signed Committee Report indicates that all committee members present and voting recommend that the FREE CONFERENCE COMMITTEE REPORT BE ADOPTED.

ADJOURNMENT

Adjournment: 12:15 PM

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([frs82hb0387aad.pdf](#))